

1 (3) The government of the United States of America
2 and the government of Canada have identified 43 Areas of
3 Concern, 26 of which are in waters of the United States
4 of America and 17 of which are in the waters of Canada.

5 (4) Waukegan Harbor in Illinois was designated an
6 Area of Concern in 1981 by the International Joint
7 Commission, the United States Environmental Protection
8 Agency, and the Illinois Environmental Protection Agency
9 as a result of the discovery of 5 beneficial use
10 impairments, as defined in Annex 2 of the Great Lakes
11 Water Quality Agreement. Beneficial use impairments at
12 the Waukegan Harbor Area of Concern were identified as
13 the restrictions on fish consumption, degradation of
14 benthos, restrictions on dredging activities, degradation
15 of phytoplankton and zooplankton populations, and loss of
16 fish and wildlife habitat.

17 (5) The government of the United States of America
18 and the government of Canada cooperate with the state and
19 provincial governments to ensure that remedial action
20 plans are developed to restore all impaired uses to the
21 Areas of Concern.

22 (6) Mercury has been identified as a persistent
23 bioaccumulative contaminant of concern throughout the
24 Great Lakes, including Lake Michigan, resulting in health
25 advisories and restrictions on fish consumption.

26 (7) The thermal treatment of sludge creates mercury
27 emissions.

28 (b) The Agency shall not issue any permit to develop,
29 construct, or operate, within one mile of any portion of Lake
30 Michigan that has been designated an Area of Concern under
31 the Great Lakes Water Quality Agreement as of the effective
32 date of this Section, any site or facility for the thermal
33 treatment of sludge, unless the applicant submits to the
34 Agency proof that the site or facility has received local

1 siting approval from the governing body of the municipality
2 in which the site or facility is proposed to be located (or
3 from the county board if located in an unincorporated area),
4 in accordance with Section 39.2 of this Act. For the
5 purposes of this Section, "thermal treatment" includes,
6 without limitation, drying, incinerating, and any other
7 processing that subjects the sludge to an elevated
8 temperature."